In theHigh Court for the States of Punjab and Haryana, at Chandigarh.

C.R. No. 4395 of 2007
Decided on August 28,2007.

Sarwan Singh and another Petitioners

v.

Manjit Singh @ Dheena and others Respondents.

Present: Mr.G.S.Nagra,Advocate,for the petitioners

Rajesh Bindal J:(Oral)

Challenge in this petition, filed under Article 227 of the Constitution of India, is to the order dated August 06,2007, passed by Addl.Civil Judge (Senior Division), Kapurthala,whereby exparte evidence of the petitioners/plaintiffs was closed by order of the Court.

Learned counsel for the petitioners submits that it was a suit filed by the petitioners for damages against the respondents for murdering their son on April 06,2002. The defendants in the present suit were proceeded exparte. The doctors were ordered to be summoned for evidence for the date fixed through bailable warrants, on deposit of warrant fee, but due to inadvertence, learned counsel could not deposit the requisite fee for issue of bailable warrants and in the absence thereof, the evidence of the plaintiffs was closed by order of Court.

As the respondents/defendants were already exparte before the trial Court and also the fact that issue of notices to them would further

delay the disposal of the present petition as well as the suit before the trial Court, considering the facts and circumstances of the present case and in the interest of justice, the trial Court is directed to grant another opportunity to the petitioners for completing their entire evidence on a date to be fixed by the trial court for the purpose. The order of the trial Court dated August 06,2007 closing the evidence of the petitioners/plaintiffs by the order of the Court is set aside.

This petition is disposed of accordingly.

Aug 28,2007 **(Rajesh Bindal)**
RR **Judge**